

5

REMARKS

In the office action dated 5 September 2007 ("Office Action"), the Examiner required:

- 10
- 1) restriction to one of the inventions set forth in Paragraph I. (claims 1 – 13) and Paragraph II. (claims 14 – 41); and
 - 2) election to a single disclosed species for prosecution on the merits

15

In Applicants' Response to Restriction Requirement filed on 2 October 2007 ("Response"), Applicants respectfully elected to prosecute the invention of Paragraph II. (claims 14 - 41). It is Applicants' understanding that this restriction requirement will become final, which thereby will cause the remaining claims in Paragraph 1 (claims 1 – 13) to become withdrawn.

20

In this Preliminary Amendment, Applicants have categorized claims 1 – 13 as "withdrawn," and cancelled claims 20, 26, and 38 without prejudice to the refiling of these claims in a subsequent application. In view of the above, Applicants respectfully submit that it is not necessary for Applicants to file a suggested restriction requirement under 37 CFR 1.142(c) in order to place the above-referenced application in compliance with 37 CFR 1.75, and that the claims as presently amended are in compliance therewith.

25

The Commissioner is hereby authorized to credit any overpayment of any fees which may result in connection with the filing of this communication to Account No. 10-0750/ETH5095CIP1/MGM.

30

It is submitted that the foregoing remarks and amendments place the case in condition for allowance. A notice to that effect is earnestly solicited.

35

Respectfully submitted,
Young, et al.

By: /Michele G. Mangini/
Michele G. Mangini
(Attorney for Applicants)
Reg. No. 36,806
Dated: 29 October 2007

40

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2810